



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Social and Health Services, Health and Recovery Services Administration, Medical Assistance

Subject of possible rule making:
WAC 388-501-0100, Subrogation

Statutes authorizing the agency to adopt rules on this subject:

RCW 74.09.185, Third party has legal liability to make payments - State acquires rights - Lien - Equitable subrogation does not apply.

RCW 74.08.090, Rule making authority and enforcement

Reasons why rules on this subject may be needed and what they might accomplish:

This rule is being amended to further clarify the department's reimbursement policy for medical services paid on behalf of an injured client by the department when the injured client receives a settlement or judgment from a liable third party's insurer, or the injured client's own insurance.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or to update policy.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Centers for Medicare and Medicaid Services (CMS)

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact:

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DATE

January 25, 2007

NAME (TYPE OR PRINT)

Jim Schnellman

SIGNATURE

TITLE

Chief, Office of Administrative Resources

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**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

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